

TCEQ EMS Overview

Bob Gifford

Pollution Prevention and Industry Assistance

TXEP

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Outline

- ▶ Background
- ▶ TCEQ/ ISO 14001
- ▶ Levels and Incentives
- ▶ Steps to participate
- ▶ Third Party Auditors
- ▶ Audit Process



Background

- ▶ 2001 Legislature
- ▶ Encourage EMS
- ▶ Grant incentives



Relationship to ISO 14001

- ▶ Focus:
 - Environmental Performance
 - Compliance
- ▶ Incentives:
 - Reduced Regulatory Oversight
 - Incentives cannot increase pollution or reduce public participation
 - Public recognition and assistance
 - Public Trust

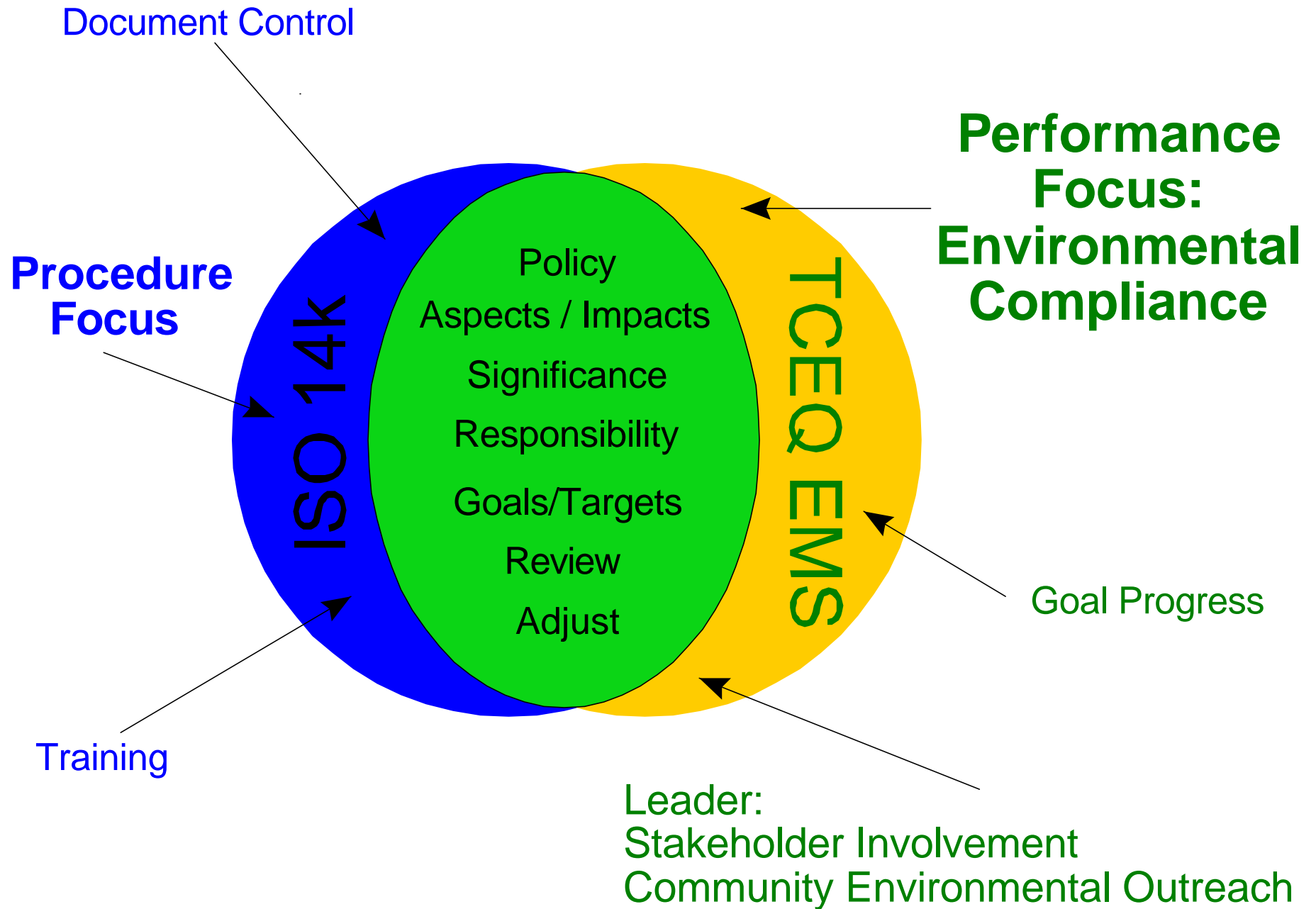


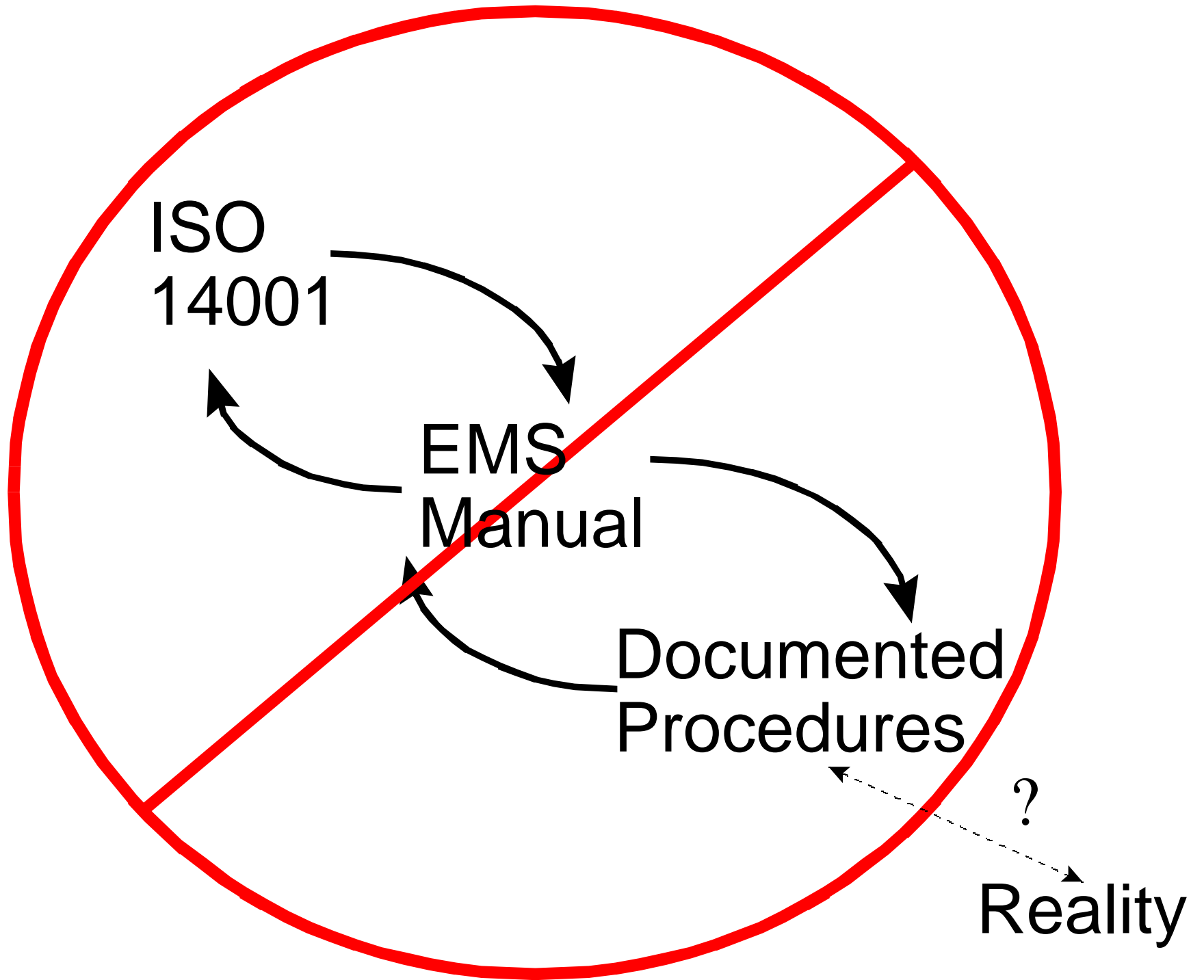
Differences

TCEQ EMS

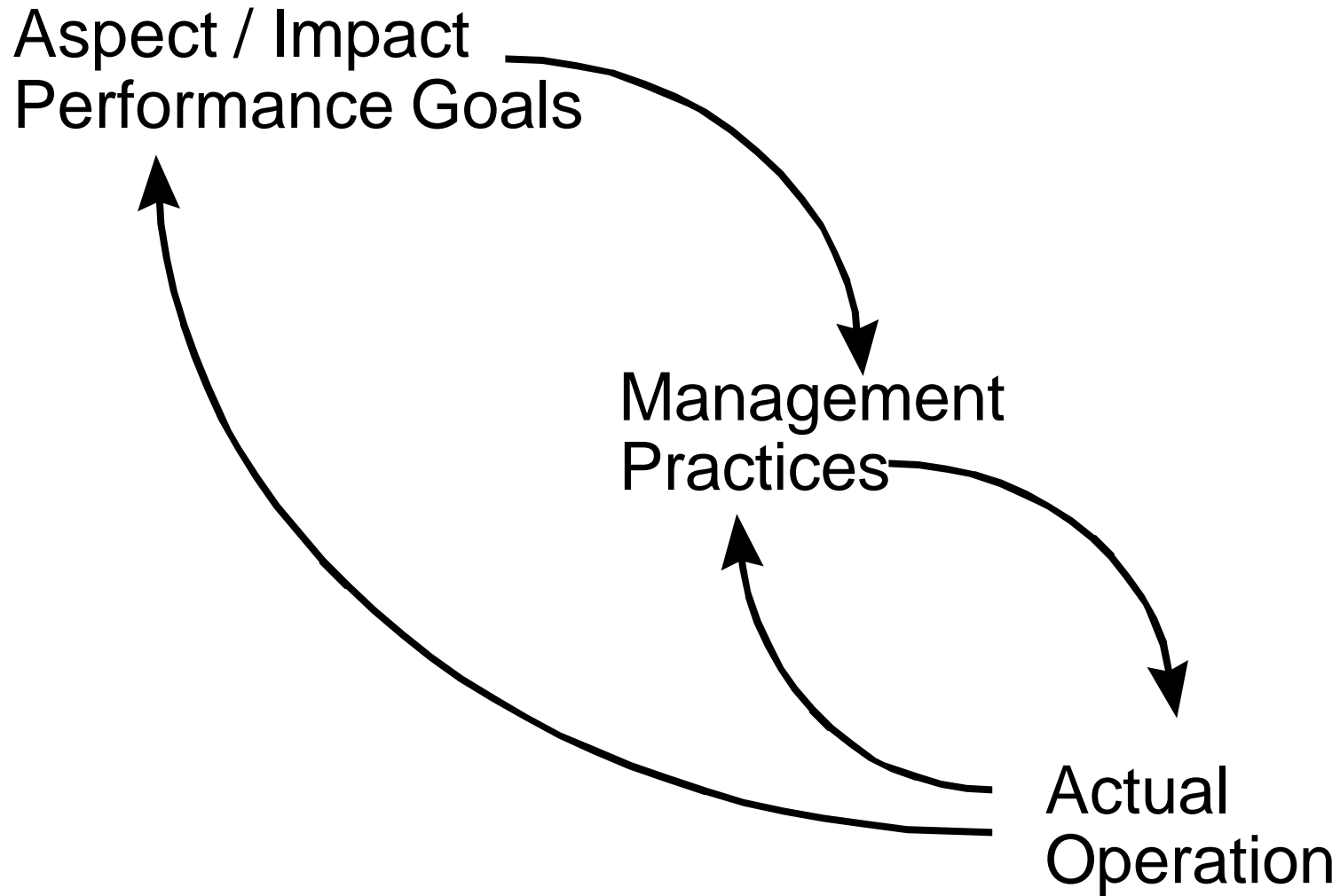
- ▶ Review cycle complete
- ▶ ‘Site’ approval, not clustered
- ▶ Broad scope







Desired EMS Design



EMS Levels and Incentives

- ▶ Basic EMS - State regulatory flexibility and recognition
- ▶ Leadership EMS - State and Federal regulatory flexibility and recognition



Basic EMS - Criteria

- ▶ Policy
- ▶ Identify Environmental Aspects
- ▶ Set goals to assure compliance and for environmental improvement
- ▶ Assign Responsibility
- ▶ Document procedures and results
- ▶ Written Evaluation
- ▶ Demonstration of Results



Basic EMS - Incentives

- ▶ Credit under compliance history (10% off score)
- ▶ Reduced fees for training
- ▶ Exemption from Waste Reduction Policy Act
- ▶ Additional notice for investigations
- ▶ Reduced qualifications and follow-up procedures for PEMS



Leadership EMS

- ▶ Higher compliance screen
 - ▷ No Significant Noncompliances
- ▶ Higher levels of goal achievement
- ▶ Stakeholder Involvement
 - ▷ Information in
- ▶ Community Environmental Outreach
 - ▷ Activity out



Leadership EMS - Incentives

- ▶ Reduced frequency for State investigations.
- ▶ No routine EPA investigations
- ▶ Reduced MACT reporting
- ▶ Elimination of “once-in-always in” under MACT
- ▶ Extended Hazardous Waste storage time without requiring a permit
- ▶ Stringency evaluations



Results

Past Performance and Ability to Continue to Perform

- ▶ Compliance Assurance
 - ▷ Pre-screening eligibility and on-site performance
- ▶ Environmental Performance from on-going operations
- ▶ Control of Liability
- ▶ Some results must go beyond requirements



Additional Incentives

- ▶ Incentives that apply to all entities
 - ▷ Suggest incentives to SBEA - sroothaa@tceq.state.tx.us
 - ▷ Agency review process
 - ▷ Rule change or policy change process
- ▶ Case-by-Case incentives
 - ▷ Request as part of EMS audit request
 - ▷ ECOS
 - ▷ Site-specific rules



TCEQ EMS Evaluation

Steps to Participate

- ▶ Declaration of Commitment form
- ▶ Request for Evaluation
 - ▷ Documentation
 - ▷ Pre-assessment questionnaire
 - ▷ Schedule in 90 days
- ▶ Available at AboutTexasEMS.org



EMS Evaluation

Routes

- ▶ TCEQ Evaluation
- ▶ Third Party



Third Party Audit Framework

- ▶ As if performed by TCEQ
- ▶ Individual audit approval
- ▶ No pre-approval for audits
- ▶ No approved auditor list



Third Party EMS Evaluation Options

- ▶ Past Third Party
 - ▷ No: prior to TCEQ protocol
- ▶ Joint Third Party / TCEQ
 - ▷ Current method of choice
 - ▷ ISO Certification/Recertification
 - ▷ ISO Monitoring/Surveillance
- ▶ Distant Future Third Party
 - ▷ Post-review of each audit
 - ▷ TCEQ participation in 20% of audits



Joint TCEQ / Third Party Audit

- ▶ Multiple Objectives
 - ▷ ISO 14001 and TCEQ
- ▶ Coordination required
 - ▷ Bid specifications clarify requirements
- ▶ Expanded scope
- ▶ Sufficient time



Third Party Audit Protocol

- ▶ Protocols
 - ▷ Equivalent to TCEQ audit protocols
- ▶ Documentation
 - ▷ Comparable to TCEQ audit
- ▶ Method of audit review
- ▶ Time ratios
 - ▷ 80%
 - Field observation
 - Personnel interviews to confirm performance
 - ▷ 20%
 - Documentation



Evaluation Scope

- ▶ Regulated portions
 - ▷ TCEQ Regulated Entity description
 - ▷ Clean up
- ▶ Could be regulated
 - ▷ Routine operation
 - ▷ Non-routine
- ▶ Could produce an environmental impact



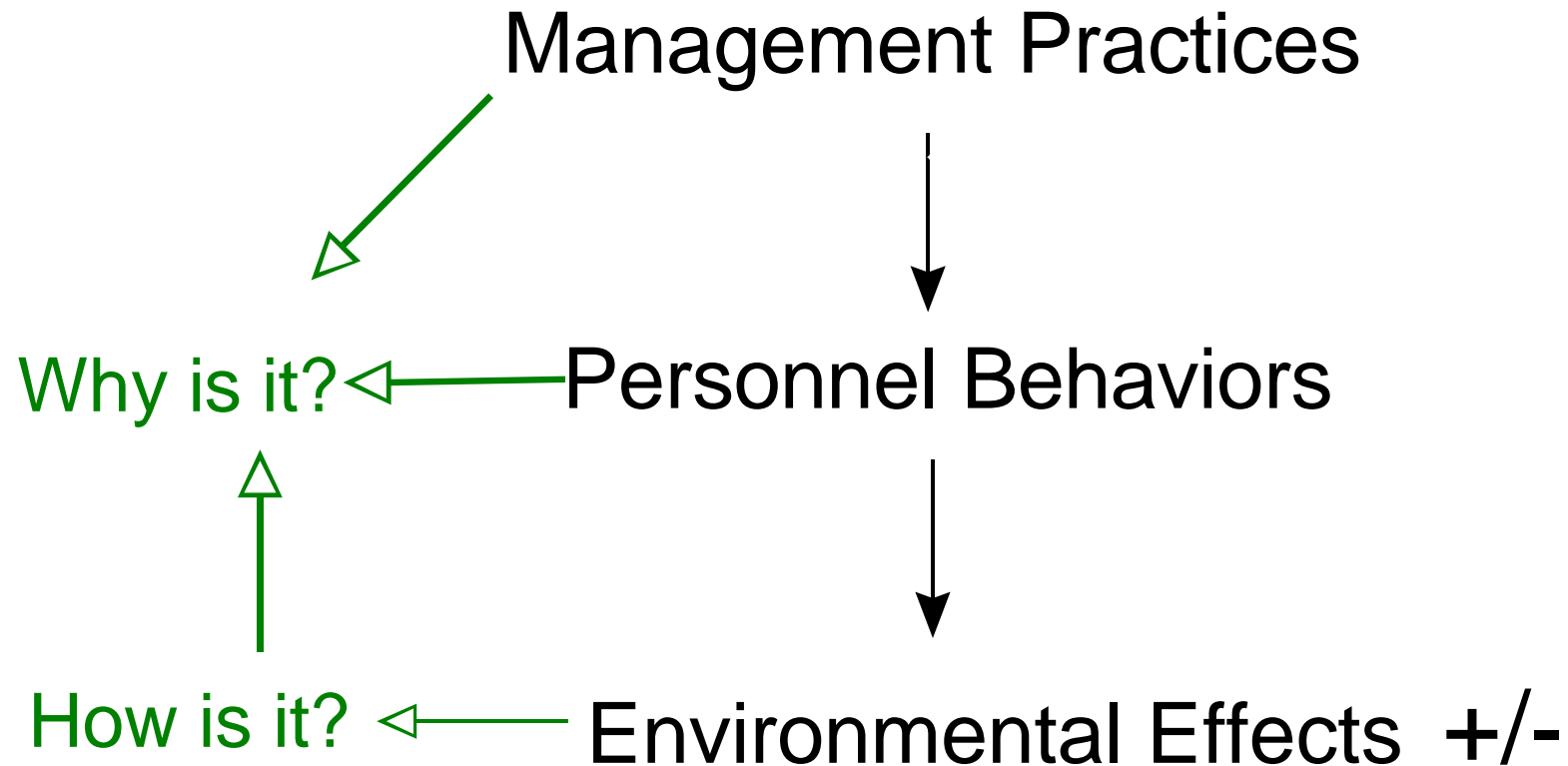
TCEQ EMS Evaluation

Pre-Audit

- ▶ File review
- ▶ Compliance screening
 - ▷ TCEQ
 - ▷ EPA info



TCEQ On-Site Audit Method

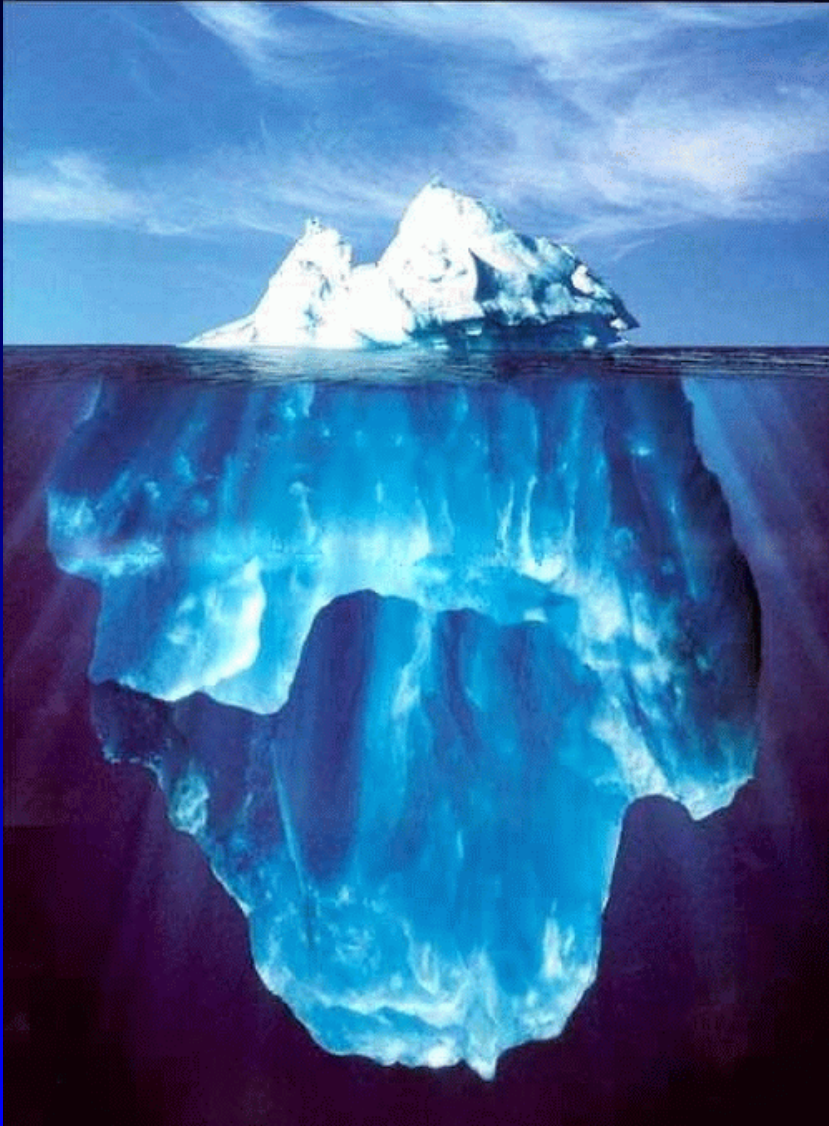


Key Themes

- ▶ Aspects identified and prioritized
- ▶ Goal setting reflects significance
- ▶ Achievement of goals



Texas EMS is about Implementation and Results.

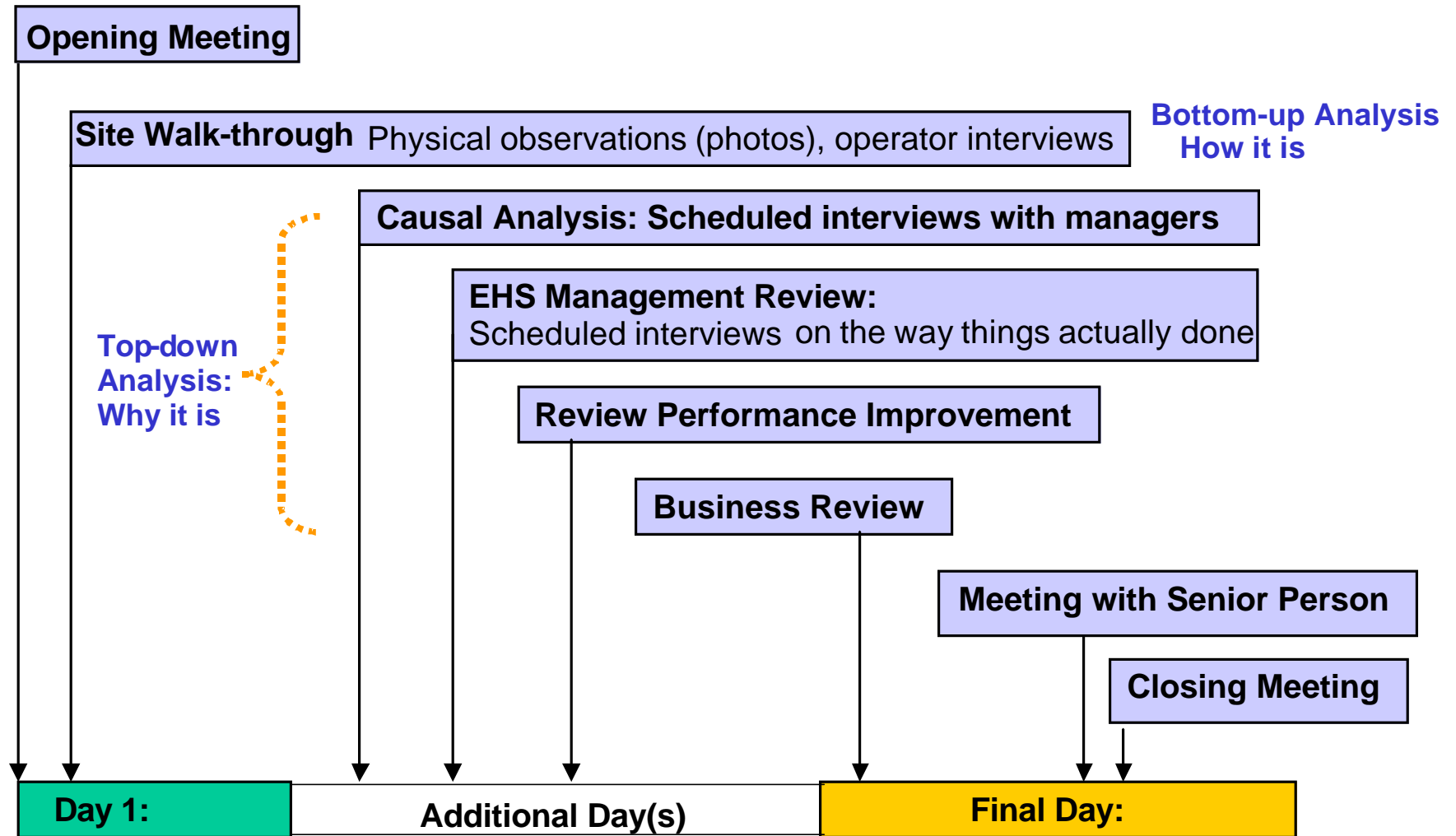


Focus on what is seen

Understand underlying causes



On-Site Audit Process



Audit Elements: Aspects

Element	Document Review	Interview	Observation
<p>Aspects accurately identified, both regulated and non-regulated</p> <p>-Key activities, processes, products, services assessed for inclusion in scope</p> <p>-all significant impacts accounted for</p> <p>-all regulated areas accounted for</p>	√-List of Aspects, List of Activities, List of Regulations	√- Environmental Manager	√-Activities, processes , services included in scope where appropriate
<p>Aspect information and legal requirements are kept up-to-date, for example through periodic review to ensure that operational changes and new regulations are taken into consideration</p>	√	√	√
<p>Results of aspect identification and legal requirements are documented.</p>	√		
<p>Environmental risks and impacts associated with emergency situations and non-routine activities included in aspect analysis</p>	√ - emergency preparedness plan, Emission event and spill records	√- Environmental Manager, Maintenance, Employees	√-Emergency situations and non-routine operations included

Audit Elements: Routine Evaluation to Demonstrate Attainment of Goals

Element	Document Review	Interview	Observation
EMS has been in place for sufficient time to allow for meaningful review of performance (typically one year)	√	√	
Results show progress towards goals and targets as identified by the EMS plan	√	√	√
Demonstrated enhanced or maintained compliance . Sites with very high compliance may be committed to only maintaining their current level of compliance.	√	√	√
Demonstrated mitigation/control of liability associated with any routine, non-routine, and emergency situations.	√	√	√
Demonstrated reductions in impact to the environment, such as reduced emissions, waste, etc.	√	√	√
Demonstrated reductions in pollution beyond that required by rule. One for Basic and for Small Facility ¹ Leader and Two for all other Leader facilities.	√	√	√

Non-Conformance Levels

- ▶ Major
 - ▷ EMS element not addressed
 - ▷ Not reduce significant environmental impact
 - ▷ Compliance History (CH) major violation
- ▶ Moderate
- ▶ Minor
 - ▷ CH minor violation
 - ▷ Insignificant environmental impact
 - ▷ Isolated



EMS Evaluation Decision

Possibilities

- ▶ Approval
 - ▷ Minor nonconformances
- ▶ Conditionally Approvable
 - ▷ Some moderate nonconformances
 - ▷ Correctable
- ▶ Denial
 - ▷ Major nonconformance
 - ▷ Some moderate



Decision Matrix

Elements	Approval	Conditionally Approvable	Denial
Policy	<p>PManagement commitment is evident</p> <p>PWritten policy in place that includes required elements</p>	<p>PPolicy is marginally communicated</p> <p>PMarginal demonstration of management commitment</p>	<p>PNo policy in place</p> <p>PPolicy not communicated to employees</p> <p>PNo management involvement</p>
Aspects	<p>PAccurately identified and documented</p> <p>PEmergency and non-routine situations included</p>	<p>PAspects not kept up to date</p>	<p>PSignificant aspects not identified</p> <p>PEmergency and non-routine situations not included</p>
Prioritization	<p>PBased on significance of environmental impact</p>	<p>PNot kept up to date</p>	<p>PNot based on significance of environmental impact</p>

Audit Decision

- ▶ TCEQ decision
 - ▷ Third Party Audit report
 - ▷ TCEQ observations and report
- ▶ EPA input for Leader



Followup

- ▶ On-site evaluation
- ▶ Frequency
 - ▷ Auditor judgement
 - ▷ Less than three years
- ▶ Annual Report
 - ▷ Optional Basic
 - ▷ Required Leader



More Information

- ▶ Web: www.AboutTexasEMS.org
 - ▷ Audit protocol
 - ▷ Third Party Auditor Guidance
 - ▷ Presentations
 - ▷ Stakeholder info
- ▶ Bob Gifford
 - ▷ Rgifford@tceq.state.tx.us
 - ▷ 512-239-3149





**Proposed TXEP EMS Auditing Program:
Goals and Functions
Minutes from July 17, 03 conference call**



TXEP EMS Audit Team

- ▶ Initial TXEP EMS Audit Team Participants:
Rob Borowski, TCEQ; Jim Mayer, U.S. AEC;
Elza Cushing, Fort Bliss; Thom Rennie, AF/DOD
Regional Office; Valerie Stein, Texas National Guard;
Bob Gifford, TCEQ



TXEP EMS Auditing Program

Goals

- ▶ Increase the number of TXEP member installations that have a functional EMS that meets the requirements of Federal Executive Order 13148, and Clean Texas Leader EMS.
- ▶ Provide assistance to TXEP member that are developing EMS and to provide an on-ramp to a certified EMS.
- ▶ Provide opportunities to train lead auditors and to create EMS development and auditing capacity within TXEP.



Proposed TXEP EMS Auditing Program

Developing a joint auditing program: Options to be explored

- ▶ Pre-audits to assist installations in preparing for a final installation EMS audit.
- ▶ TXEP trained auditors may participate in TCEQ auditing teams
- ▶ TXEP auditors may participate in DOD audits.



Proposed Auditor Experience

- ▶ Audit Team Roles: Observer, Participant, Auditor/Lead Auditor.
- ▶ Lead Auditors should generally meet the qualification profiles of other auditors (ISO14001; Texas EMS etc.) and follow the standards of qualification for auditors.



Proposed TXEP EMS Auditing Program

Training Needs . Types of training activities:

- ▶ 5 Day Lead Auditor Training
- ▶ 3 Day EMS Implementation Training
- ▶ Advanced auditor training- to include auditing skills, etc.
- ▶ “Shadowing”; mock-audit experience.

